

MINUTES
YORK COUNTY PLANNING COMMISSION
Regular Meeting
York Hall
December 12, 2001
7:00 PM

MEMBERS
Spencer W. Semmes, Chair
Andrew A. Simasek, Vice Chair
Robert E. Beil, Jr.
Robert D. Heavner
Michael H. Hendricks
Alfred E. Ptaszniak, Jr.
Ann F. White

CALL TO ORDER

Vice Chair Andrew Simasek called the regular meeting of the Planning Commission to order at 7:00 p.m.

The roll was called and all members were present except Mr. Semmes. Staff members present were J. Mark Carter, James E. Barnett, Jr., Timothy C. Cross, Michael S. King and Olivia D. Wilkinson.

APPROVAL OF MINUTES

Ms. White requested an amendment to the minutes of the November 14, 2001 regular meeting to correct the proposed placement of two franchise dealer signs, as presented by the applicant, during the hearing of Application No. UP-585-01, Williamsburg Motors. Upon motion of Ms. White, the amended minutes were adopted by a roll call vote of 6:0 (Mr. Semmes absent).

REMARKS

Mr. Simasek welcomed visitors and explained the legal mandate of the Planning Commission, its composition of citizen volunteers, and its mission as an advisory body to the Board of Supervisors for land use issues.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS

Application No. YVA-9-02, Grace Episcopal Church: Request for a change in use in the Yorktown Village Activity (YVA) District, pursuant to Section 24.1-327(b)(4) of the Zoning Ordinance, to convert a single-family detached home from residential use to church-related use as an accessory structure to Grace Episcopal Church, which is adjacent.

Mr. Timothy Cross presented the summary of the staff memorandum to the Commission. He acknowledged that churches are generally considered compatible with residential development and he believed the conditions drafted by the staff would mitigate the impacts on nearby homes. Mr. Cross concluded by recommending approval subject to the conditions contained in Resolution PC01-42(R).

Vice Chair Simasek opened the public hearing.

Mr. Richard L. Barton, 103 Heron Court, stated that he holds the position of Senior Warden of the church. He introduced the Reverend Carlton Bakkum, Rector; Mr. John Oppenheisen, Junior Warden; and Messrs. Walter Wildman and James Noel, parishioners. Mr. Barton explained that the church has repaired and upgraded the building. The membership would like to use it as an annex to the parish hall as well as offer meeting space for local community, civic, government, and cultural groups. He presented a list of "Typical Events touching the Yorktown Community held at Grace Church in the recent past, 2001." The congregation has voted to rename the property "Riverview," he added, and said the church will continue to be good citizens and concerned and considerate neighbors.

Ms. Beverly Cooke Krams, 266 E. Queens Drive, stated she is the owner of the homes at 105 Church Street and 107 Church Street, both of which have been in her family for some time. She said her father had donated property to the church for its parish house with the express agreement that its use would not encroach upon her family's property. She continues to pay taxes on the driveway easement that is shared with the church, she said. She was concerned that uses of the property would include youth groups, daycare, fairs, weddings, handicapped loading, and other activities over which she would have no control and which would make her property vulnerable seven days a week. Ms. Krams felt that this myriad of activities, involving hundreds of people she does not know, could wreak irreparable damage to the homes that she owns and to the neighborhood. She suggested that the existing parish house would be the appropriate venue for those activities.

Mr. Ira Krams, 266 E. Queens Drive, requested that the application be denied entirely. He said the 15-foot alley running between the existing church and his family's property is owned by his family but could become a public thoroughfare to include bicycle or truck traffic. He said the alley has never been used as a public thoroughfare. His son resides at 107 Church Street, only three feet from the shared driveway, Mr. Krams stated.

Mr. Rogers Hamilton, 114 Church Street, said he grew up in Yorktown. He said the church has become large and contributed to increased traffic, while the town has remained small. Mr. Hamilton urged the Commission to vote for denial.

There being no others to speak, Vice Chair Simasek closed the public hearing.

Ms. White suggested that typical uses of the former residence might generate too much noise for the neighborhood. Mr. Cross noted that the staff had recommended a prohibition on outdoor activities after 10:00 p.m. Ms. White said some might consider activities past 9:00 p.m. to be intrusive.

Mr. Simasek said there are only six homes on Church Street and the house in question is landlocked. He thought this use would generate a lot of activity in the alley, and the church should not become more intrusive than it already is.

Mr. Hendricks noted that the county encourages churches to expand to residential areas to keep them out of IL or LB-zoned districts. However, the uniqueness of the village of Yorktown generates a need for special scrutiny of anything that might alter the ambience of the village itself, he said, and this proposal does not offer enough space for setbacks and space between neighbors. He was sympathetic to the needs of the church, but did not believe the village can accommodate the added impact of more public gatherings in such a tight area, and believed the use of the house should remain residential.

Mr. Ptasznik said the basic issues appear to be encroachment on private property and noise. He believed both of those issues should be addressed, as well as handicapped access to the building, before approval is considered.

Mr. Hendricks moved adoption of Resolution PC01-42(R) recommending approval. It was denied by a roll call vote of 0:6 (Mr. Semmes absent).

Application No. UP-586-01, Ruby F. Stevens: Request to obtain a special use permit in accordance with Section 24.1-419 of the Zoning Ordinance to conduct a forestry operation. The applicant wishes to perform a select timber cut of the 82-acre parcel.

Mr. King announced that the applicant had formally withdrawn her application.

NEW BUSINESS

Mr. Simasek asked the Commission to consider changing the time to start regular meetings from 7:00 p.m. to 6:30 p.m. Mr. Hendricks said he would not be able to get to a meeting that convened at 6:30. There was no support for Mr. Simasek's suggestion.

Ms. White asked if the Commission needs to formally adopt the 2002 Schedule. Mr. Carter recommended against that because the staff does not always know the dates that the Board will conduct public hearings on particular applications.

STAFF REPORTS

There were no staff reports.

COMMITTEE REPORTS

Ms. White said the review of the Draft Yorktown Design Guidelines is going very well. Mr. Heavner commended Vice Chair Simasek for his leadership of that study committee.

RECENT ACTIONS BY THE BOARD

Mr. Carter reported on recent actions by the Board of Supervisors. He said they will conduct a public hearing on the Secondary Roads Plan on December 18.

COMMISSION REPORTS AND REQUESTS

Ms. White reminded that the Commission still needs to consider amendments to the accessory apartments language in the Zoning Ordinance.

FUTURE BUSINESS

Mr. Carter briefed the members on the applications for its regular meeting in January 2002.

ADJOURNMENT

Vice Chair Simasek called adjournment at 7:47 p.m.

SUBMITTED:

Phyllis P. Liscum, Secretary

APPROVED:

Spencer W. Semmes, Chair

DATE: _____